

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMANDA KLINK,

Plaintiff,

v.

UNIFUND CCR, LLC,

Defendant.

Civil Action No. 2:21-cv-1270

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Unifund CCR, LLC (“Unifund”) is removing the civil action captioned *Amanda Klink v. Unifund CCR, LLC*, pending in the Court of Common Pleas of Allegheny County, Pennsylvania at Case Number GD-21-000960, to the United States District Court for the Western District of Pennsylvania pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

I. INTRODUCTION

1. On February 3, 2021, Plaintiff Amanda Klink (“Plaintiff”) initiated this civil action by filing a Praecipe for Writ of Summons against Unifund in the Court of Common Pleas of Allegheny County, Pennsylvania at Case Number GD-21-000960. A true and correct copy of the Praecipe for Writ of Summons is attached hereto as **Exhibit A**. The Praecipe for Writ of Summons (though not the Writ of Summons itself) was served on Unifund on March 10, 2021. A true and correct copy of Plaintiff’s Proof of Service of Writ of Summons is attached hereto as **Exhibit B**. Plaintiff filed her Complaint in Civil Action (sometimes, “Compl.”) on August 24, 2021. A true and correct copy of the Complaint in Civil Action is attached hereto as **Exhibit C**. The Complaint was served on Unifund on August 26, 2021.

2. Plaintiff’s Complaint in Civil Action alleges that Unifund violated the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §§ 1692 *et seq.*, by making false, deceptive,

and fraudulent representations in the attempt to collect a debt. (Compl., ¶ 20). Plaintiff's Complaint in Civil Action asserts a cause of action for violations of the FDCPA, 15 U.S.C. §§ 1692e(5) and (10). (Compl., Count I). Plaintiff's Complaint in Civil Action seeks actual damages, statutory damages, and attorney fees and costs. (Compl., Count I, WHEREFORE clause).

II. THIS COURT HAS ORIGINAL SUBJECT MATTER JURISDICTION OF THIS CIVIL ACTION PURSUANT TO 28 U.S.C. § 1331.

3. This Court has original jurisdiction over Plaintiff's claims for violations of the FDCPA (Compl., Count I) pursuant to 28 U.S.C. § 1331 because the federal courts "shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States," 28 U.S.C. § 1331, and this civil action (*see*, Compl., Count I) arises under the FDCPA, a federal law. *See, e.g., Zimmerman v. HBO Affiliate Group*, 834 F.2d 1163 (3d Cir. 1987).

III. UNIFUND HAS SATISFIED THE PROCEDURAL AND VENUE REQUIREMENTS FOR REMOVAL.

4. Plaintiff's Complaint in Civil Action was filed on August 24, 2021 and served on Unifund on August 26, 2021. Therefore, removal is timely pursuant to 28 U.S.C. § 1446(b). 28 U.S.C. § 1446(b)(1) ("The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.")

5. The Court of Common Pleas of Allegheny County, Pennsylvania is located within the Western District of Pennsylvania, *see* 28 U.S.C. § 105(b), and venue for this action is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. § 1441(a) because the Western District of Pennsylvania is the "district and division embracing the place where such action is pending."

6. Immediately following the filing of this Notice of Removal, Unifund will file a Notice of Filing Notice of Removal in the Court of Common Pleas of Allegheny County, Pennsylvania and serve the same upon Plaintiff as required by 28 U.S.C. § 1446(d). A true and correct copy of the Notice of Filing Notice of Removal (without Exhibit) is attached hereto as **Exhibit C**.

IV. NON-WAIVER AND RESERVATION

7. By removing this civil action to this Court, Unifund does not waive any defenses, objections, or motions available under state or federal law. Unifund expressly reserves the right to move for dismissal of some or all of Plaintiff's claims and/or seek dismissal of Plaintiff's claims on grounds of lack of personal jurisdiction, improper venue, or under the doctrine of forum *non conveniens*.

WHEREFORE, Defendant Unifund CCR, LLC hereby gives notice that the civil action captioned *Amanda Klink v. Unifund CCR, LLC* pending in the Court of Common Pleas of Allegheny County, Pennsylvania at Case Number GD-21-000960 is removed to the United States District Court for the Western District of Pennsylvania pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Respectfully submitted,

Dated: September 23, 2021

/s/ Nicholas J. Godfrey
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Counsel for Defendant Unifund CCR, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served upon the following this 23rd day of September, 2021 by the Court's CM/ECF System and E-Mail:

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/s/ Nicholas J. Godfrey
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